

The Gazette of India



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No. 13] NEW DELHI, SATURDAY, MARCH 28, 1953

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 21st March 1953 :—

Issue No.	No. and date	Issued by	Subject
63	S. R. O. 510, dated the 10th March 1953.	Ministry of Law.	The Constitution (Distribution of Revenues) Order, 1953.
64	S. R. O. 511, dated the 17th March 1953	Ministry of Food & Agriculture.	Amendment made in the Cotton Seed, (Control) Order, 1952.
65	S. R. O. 512, dated the 18th March 1953.	Election Commission, India.	Election Petition No. 112 of 1952.
	S. R. O. 513, dated the 19th March 1953.	Ditto.	Election to the Bihar Legislative Assembly from Makhdumpur Constituency, District Gaya, State of Bihar.
	S. R. O. 514, dated the 19th March 1953.	Ditto.	Appointment of Shri V. B. Sarwate a retired District Judge of Madhya Pradesh, as the chairman of the Election Tribunal in place of Shri S. S. Daulat.
66	S. R. O. 515, dated the 19th March 1953.	Ministry of Food & Agriculture	The Rajasthan Gram and Gram Products (Export Control) Order 1953.
67	S. R. O. 548, dated the 19th March 1953.	Election Commission, India.	Election Petition No. 142 of 1952. and Election case No. 4 of 1952.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF HOME AFFAIRS

New Delhi, the 24th March 1953

S.R.O. 550.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19

of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Home Department, No. F.9/2/33-Ests., dated the 9th January, 1934, namely:—

In the Schedule to the said notification under the heading "Directorate General of Resettlement and Employment, Ministry of Labour" the words '& ex-officio Joint Secretary to the Government of India' occurring in the existing entries in columns 2 and 3 shall be omitted.

[No. 7/5/53-Ests.]

S. P. MAHNA, Asstt. Secy.

New Delhi, the 24th March 1953

S.R.O. 551.—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), and in supersession of the notification of the Government of India in the Ministry of External Affairs No. 17-Eur/I, dated the 9th January, 1951, the Central Government hereby directs that the following further amendments shall be made in the Indian Arms Rules, 1951, namely:—

In the said Rules—

after the words "the whole of India", wherever they occur, the words and brackets "(including Chandernagore)", shall be inserted.

[No. 9/19/51-Police(I).]

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 24th March 1953

S.R.O. 552.—In exercise of the powers conferred by Section 11 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby directs that the following further amendment shall be made in its notification No. 117-Customs, dated the 9th September, 1950, namely:—

In column 3 of the Schedule to the said notification:—

(a) in the entries against the Port of Bedi, item No. 9 shall be omitted;

(b) in the entry against the Port of Salaya, the following shall be added at the end, namely:—

"and the Nawanagar Salt Works Jetty known as Sykes Points Jetty for Salt only".

[No. 17.]

A. K. MUKARJI, Dy. Secy.

CUSTOMS

New Delhi, the 28th March 1953

S.R.O. 553.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878) the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues) No. 1-Customs, dated the 9th March, 1946, namely:—

In the Schedule to the said notification under the heading "Name of article", in column 2 against serial No. 13, for the words "Printing ink, black paint and rubber tyres" the words "printing ink and black paint" shall be substituted.

[No. 18.]

E. RAJARAM RAO, Joint Secy.

MINISTRY OF COMMERCE AND INDUSTRY**(Central Tea Board)***New Delhi, the 25th March 1953*

S.R.O. 554.—In pursuance of Section 4 of the Central Tea Board Act, 1949 (XIII of 1949), the Central Government is pleased to notify that Mr. G. Carlton of Chuapara Tea Estate, Chuapara P.O., Dooars, nominated by the Indian Tea Association shall be a member of the Central Tea Board *vice* Mr. N. B. Haggart.

[No. 94(1)-Plant/Tea/52.]

S. G. RAMACHANDRAN, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE*New Delhi, the 17th March 1953*

S.R.O. 555.—In pursuance of the provisions of sub-clause (3) of clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Food and Agriculture No. S.R.O. 2128, dated the 30th December, 1952, namely:—

For item No. 35 of the Schedule to the said Order the following item shall be substituted, namely:—

“35. The Karwar Municipal District and the area comprising:—

(a) the Baitkol, Kodibag and the Baad Villages and

(b) the survey numbers 1 to 332 of the Nandangadda village, bounded on, the west and north by Kali River, the east by Kathinkon Village, and the south by Baad Village; the survey numbers 1 to 257 of Kathinkon Village, bounded on, the west by Nandangadda Village, the north by Kali River, the east by Sunkeri and Shirwad Villages, and the south by Baad Village; and the survey numbers 1 to 75 of Sunkeri Village, bounded on, the West of Kathinkon the North by Kali River, the east by back water of the Kali River and the South by Kathinkon situated in the Karwar District”.

[No. CG.604(51)/52-I.]

R. S. KRISHNASWAMY, Jt. Secy.

(Agriculture)*New Delhi, the 18th March 1953*

S.R.O. 556.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading & Marking) Act, 1937, the Central Government is pleased to make the following rules, the same having been previously published as required by the said section:—

GOAT HAIR GRADING AND MARKING RULES

1. *Short title.*—(a) These rules may be called the Goat Hair Grading and Marking Rules, 1952.

(b) They shall apply to hair obtained from goats in any part of India and of specified trade descriptions as set out in the annexed schedules.

2. *Grade designations.*—The grade designations to indicate the characteristics and quality of goat hair of specified trade descriptions are set out in column 1 of the relevant schedules I and II.

3. *Definition of quality.*—The definition of quality indicated by the grade designations is specified in columns 2 to 4 of the relevant schedules.

4. *Grade designation mark.*—The grade designation mark to be applied to each bale or package shall consist of a label bearing the design set out in Schedule III. The colour of the printed lettering on the label shall be as set out in the said schedule (*viz.* Goat Hair Red and Tannery-Goat Hair Black).

5. *Method of marking.*—The grade designation mark shall only be applied on full or half-pressed bales, as the case may be, in a manner approved by the Agricultural Marketing Adviser to the Government of India. In addition to the

grade designation mark, the following particulars shall be clearly indicated on the label:—

- (i) Serial number;
- (ii) Trade description;
- (iii) Name of place of packing;
- (iv) Date of packing and marking;
- (v) Abbreviation of grade designation i.e.,
 - for Black long grade the mark should be BL.
 - for Black medium grade the mark should be BM.
 - for Black Short grade the mark should be BS.
 - for Grey long grade the mark should be GL.
 - for Grey medium grade the mark should be GM.
 - for Grey short grade the mark should be GS.
 - for White long grade the mark should be WL.
 - for White medium grade the mark should be WM.
 - for White short grade the mark should be WS.
 - for Tannery Black long grade the mark should be TBL.
 - for Tannery Black short grade the mark should be TBS.
 - for Tannery Grey long grade the mark should be TGL.
 - for Tannery Grey short grade the mark should be TGS.

In addition to the above, an authorised packer may stamp or write his private trade mark on the bale or package, provided that such trade mark represents the same description, quality and grade of hair as that indicated by the Agmark label and is duly certified by the Agricultural Marketing Adviser to the Government of India to that effect.

6. *Method of packing.*—The hair shall be press packed with covering of gunny cloth in bales with sufficient number of bands tightly placed around the bale of customary weights of 200 to 400 lb. (90·7 to 181·4 k.g.)

SCHEDULE I

Grade designations and definition of quality of Indian Goat Hair

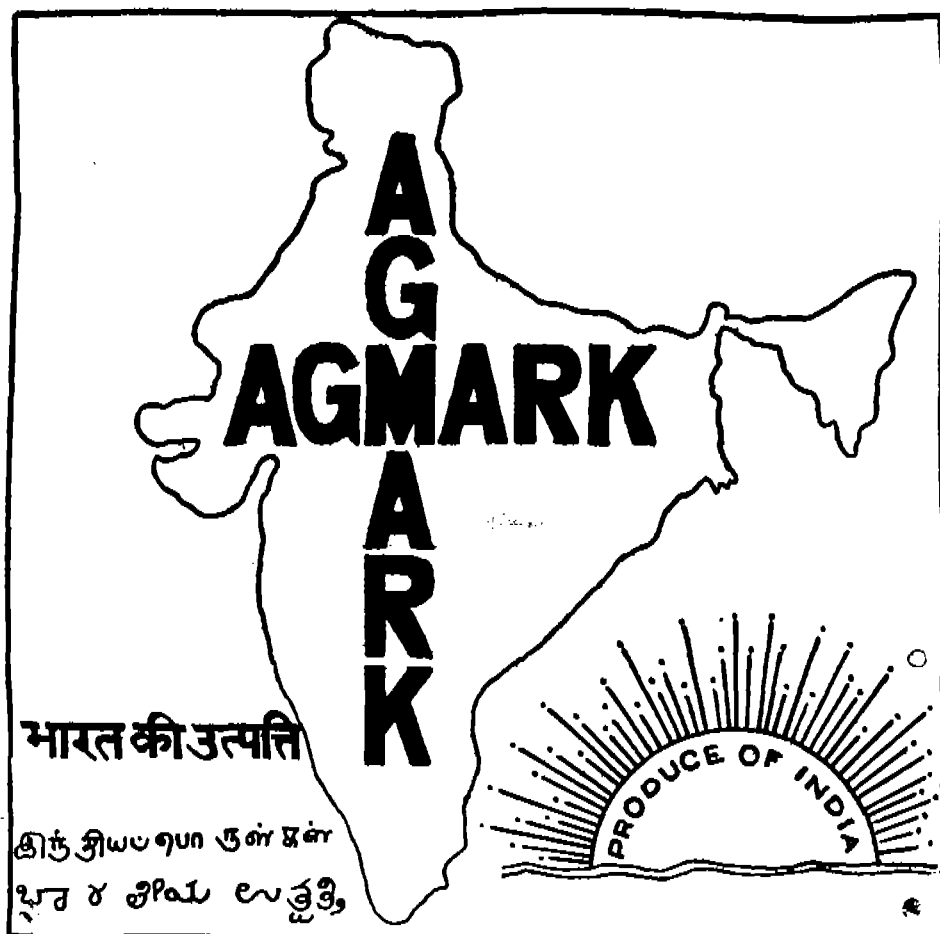
Grade designation (1)	Colour (2)	Length (3)	General Characteristics. (4)
L	Black	Long—4" and above	(1) The fibres of the hair shall be clean, dry in feel and not moist and shall not contain any superfluous matter like dirt, dust, sticks, etc. with a yield of 85 per cent. or above, of hair.
M	Black	Medium—3" to less than 4".	
S	Black	Short—1 1/2" to less than 3"	(2) Black hair should be absolutely free from white or other colours. Similarly white hair should be free from black, brown or any other coloured hairs.
L	Grey	Long—4" and above	(3) (a) Long hair may contain hair of medium length upto 15 per cent. and few unavoidable shorts.
M	Grey	Medium—3" to less than 4".	(b) Medium hair may contain short hair upto 15 per cent.
S	Grey	Short—1 1/2" to less than 3".	
L	White	Long—4" and above	(c) Short hair may contain hair of 1" to 1 1/2" upto 15 per cent. Hair below 1" shall not be allowed.
M	White	Medium—3" to less than 4"	(4) No admixture with tannery hair is permissible.
S	White	Short—1 1/2" to less than 3".	

L—Denotes long.
M—Denotes Medium.
S—Denotes Small.

SCHEDULE II
Grade Designations and definition of quality of Indian Tannery Goat Hair

Grade designation (1)	Colour (2)	Length (3)	General Characteristics (4)
L	Black	Long—3" and above	(1) The fibres of the hair shall be clean, dry in feel and not moist, and shall not contain any superfluous matter like dirt, dust, sticks, etc. with a yield of 80 per cent or above of hair.
S	Black	Short—less than 3"	(2) Black hair should be absolutely free from white or other colours. (3) (a) Long hair may contain hair of short lengths upto 15 per cent. (b) Hair below 1" shall not be allowed. (4) The goat hair should be packed into bales of usual commercial size as at present in use.
L	Grey	Long—3" and above	
S	Grey	Short—less than 3"	

SCHEDULE III
Grade designation mark for Goat Hair
(See Rule 4)



The colour of the printed lettering on the bales for different trade descriptions shall be as under:—

Trade description	Colour of printed lettering
Goat Hair	Red
Tannery goat hair	Black

[No. F.5-63/51-Dte.II(M).]

S. D. UDHRAIN, Under Secy.

(Agriculture)

New Delhi, the 20th March 1953

S.R.O. 557.—In exercise of the powers conferred by section 17 of the Indian Central Oilseeds Committee Act, 1946 (IX of 1946), the Central Government hereby makes the following amendments in the Indian Central Oilseeds Committee Provident Fund Rules, 1949, the same having previously been published as required by sub-section (1) of the said section, namely:—

In the said Rule—For rule 9, the following rule shall be substituted, namely:—

“9(1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions:

- (a) It shall be expressed in whole rupees;
 - (b) It may be any sum, so expressed, not less than $6\frac{1}{2}$ per cent. (i.e. one anna in the rupee) and not more than $15\frac{1}{2}$ per cent. (i.e. $2\frac{1}{2}$ annas in the rupee) of his emoluments.
- (2) For the purpose of sub-rule (1) the emoluments of a subscriber shall be:—
- (a) in the case of a subscriber who was in service of the Committee on the 31st March of the preceding year the emoluments to which he was entitled on the said date:

Provided that—

- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;
 - (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;
 - (iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date;
 - (iv) in the case of a subscriber admitted to the benefits of the Fund with retrospective effect under sub-rule (2) or (3) of rule 8, his emoluments shall be the emoluments drawn by him during the whole of the period for which such retrospective effect is given, and he shall be allowed to pay the amount of subscription due on those emoluments in such monthly instalments not exceeding twelve as he may elect.
- (b) In the case of a subscriber who was not in the service of the Committee on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service the emoluments to which he was entitled on such subsequent date.
- (3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—
- (a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes or agrees to be made in this behalf from his pay bill for that month;
 - (b) If he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave; or was under suspension on the said date, by the deduction which he makes or agrees to be made in this behalf from his first pay bill after his return to duty;

- (c) If he was on leave on the 31st March of the preceding year and continues to be on leave and has elected to subscribe during such leave, by the deduction he makes or agrees to be made in this behalf from his pay bill for that month;
- (d) If he has entered the service of the Committee for the first time during the year or joins the fund for the first time, by the deduction which he makes or agrees to be made in this behalf from his pay bill for the month during which he joins the fund.
- (4) The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that if the subscriber is on duty for a part of a month and on leave for the remainder of the month, and if he has elected not to subscribe during the leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month.

(5) When a subscriber is transferred to Foreign Service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation."

2. In rule 11:—

(a) for sub-rules (2) and (3) the following sub-rules shall be substituted, namely:—

"(2) The Contribution shall be equal to 1/16th of the subscriber's emoluments drawn on duty. Should a subscriber elect to subscribe during leave, his leave salary shall for the purpose of this rule be deemed to be emoluments drawn on duty."

"(3) The amount of contribution payable under sub-rule (2) shall be rounded into nearest whole rupee (eight annas and more counting as the next higher rupee.)"

(b) After sub-rule (3) the following sub-rule shall be inserted, namely:—

"(4) To the account of each of the subscribers who has subscribed to the Fund with retrospective effect under sub-rule (2) or (3) of rule 8, the Committee shall make a contribution equal to 1/16th of the emoluments drawn by him during the whole of the period for which such retrospective effect is given, the contribution being payable on the 31st March of each of the two years in which instalment payments of arrears of subscription are spread over in proportion to the number of instalments paid up during the year and rounded to the nearest whole rupee."

3. In clause (v) of sub-rule (2) of rule 12 for the word "anna" the words "rupee (eight annas and more counting as the next higher rupee)" shall be substituted.

4. In clause (b) of sub-rule (4) of rule 14 for the word 'anna' the word 'rupee' shall be substituted.

[No. F.5-75/52-Com.I.]

New Delhi, the 24th March 1953

S.R.O. 558.—In exercise of the powers conferred by Sub-Section (1) of Section 7 of the Indian Oilseeds Committee Act, 1946, as amended, the Central Government is pleased to appoint Shri K. R. Damle, I.C.S., Vice-President, Indian Council of Agricultural Research and ex-officio Additional Secretary to the Government of India, Ministry of Food and Agriculture, to be the President of the Indian Central Oilseeds Committee with effect from 1st April, 1953, in addition to his own duties.

[No. F.5-4/53-Comm.I.]

S.R.O. 559.—In exercise of the powers conferred by Section 17 of the Indian Central Oilseeds Committee Act, 1946 (IX of 1946), the Central Government hereby makes the following amendments in the Indian Central Oilseeds Committee Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely:—

In rule 23 of the said Rules—

- (a) In sub-rule (4) for the words "not exceeding one-sixteenth as may be determined by the Committee" the words "as may be prescribed by the Committee in the rules framed for the purpose", shall be substituted.

(b) in sub-rule (5), for the word "anna" the word "rupee" shall be substituted.

[No. F.5-75/52-Com.I.]

F. C. GERA, Asstt. Secy.

New Delhi, the 28th March 1953

S.R.O. 560.—In exercise of the powers conferred by clause 2(a) of the Vegetable Oil Products Control Order, 1947, as amended by the Government of India in the Ministry of Food and Agriculture Notification No. S.R.O. 2040, dated the 22nd December, 1951, I hereby authorise the officers specified in column 2 of the Schedule hereto annexed in respect of their respective jurisdiction in the State mentioned in column 1 to exercise, subject to such directions as may be issued by me from time to time in this behalf, the powers of the Vegetable Oil Products Controller for India under clause 13 of the said Order.

THE SCHEDULE

<u>State</u> (1)	<u>Designation of authority.</u> (2)
Travancore-Cochin	<ol style="list-style-type: none"> 1. The Executive Officer* of the local bodies; i. e. Panchayat President in Panchayat areas; 2. Municipal Commissioners in Municipalities; 3. The Tehsildars in areas other than (1) & (2); 4. The Officers of the Public Health Department not below the rank of a Sanitary Circle Officer or a Division Sanitary Inspector.

[No. 2-VP(2)/53.]

M. R. BHIDE,

Vegetable Oil Products Controller for India

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 18th March 1953

S.R.O. 561.—In exercise of the powers conferred by clause (a) of section 6 of the Cinematograph Act, 1952, (Act XXXVII of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 1923, dated the 13th November, 1952.

[No. 4/11/52-F.II.]

C. B. RAO, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 20th March 1953

S.R.O. 562.—In exercise of the powers conferred by section 3 of the Electricity (Supply) Act, 1948 (LIV of 1948) and in partial modification of the Late Ministry of Works, Mines and Power Notification No. EL-II-1(9), dated the 20th January, 1950, the Central Government is pleased to appoint Shri K. Y. Bhandarkar, of the Ministry of Law as a Member of the Central Electricity Authority.

[No. EL-II-1(84).]

A. R. KHANNA, Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 20th March 1953

S.R.O. 563.—In exercise of the powers conferred by the provisions of article 309 of the Constitution, the President hereby makes the following rules regulating the methods of recruitment to the Medical Research Department Class I posts:—

MEDICAL RESEARCH DEPARTMENT RECRUITMENT RULES

PART I

Preliminary

1. *Short title.*—These rules may be called the Medical Research Department Recruitment Rules, 1953.

2. *Definitions.*—In these Rules, unless the context otherwise requires,—

- (a) 'Government' means the Government of India;
- (b) 'Commission' means the Union Public Service Commission;
- (c) 'Service' means the Central Service (Class I) in the Medical Research Department;
- (d) 'Scheduled Castes' means any castes, races, or tribes or parts of or groups within castes, races or tribes which by order made by the President under clause (1) of article 341 of the Constitution are specified to be Scheduled Castes;
- (e) 'Scheduled Tribes' means the tribes or tribal communities or parts of or groups within tribes or tribal communities which by order made by the President under clause (1) of article 342 of the Constitution are specified to be Scheduled Tribes.

3. *Grades of posts, pay scales etc.*—The various grades of posts included in the Service and the pay scales attached to them, their classifications and the special conditions of service attaching to them shall be as indicated in the Appendix to these Rules.

4. *Methods of recruitment.*—Recruitment to the service shall be by the following methods; namely:—

- (i) by promotion in accordance with Part II of these Rules.
- (ii) by selection in accordance with Part III of these Rules.

5. *Recruitment to certain posts.*—(1) Recruitment to the Junior Scale posts shall be by selection in accordance with Part III of these Rules.

(2) Recruitment to the Senior Scale posts shall be by selection in accordance with Part III or by promotion in accordance with Part II of these Rules.

(3) Recruitment to the Selection Grade posts shall be by promotion in accordance with Part II of these Rules.

6. *Determination of methods of recruitment for filling vacancies.*—Subject to the provisions of rule 5, Government may determine the method or methods to be employed for the purposes of filling any particular vacancies, or such vacancies as may require to be filled during any particular period and the number of candidates to be recruited by each method.

7. *Appointment to be subject to certain orders.*—Appointments to the Service made otherwise than by promotion shall be subject to the orders issued from time to time by the Ministry of Home Affairs regarding special representation in the Services for specific sections of the people.

PART II

Recruitment by Promotion

8. *Recruitment by promotion.*—Recruitment by promotion shall be made from the grades indicated below:—

- (i) From the Junior Scale to the Senior Scale by selection from among the Members of the Medical Research Department; and
- (ii) From the Senior Scale to the Selection Grade by selection from among the Members of the Medical Research Department.

Recruitment by promotion to selection posts in the service shall be made by selection on merit on the recommendations of a *duly constituted Departmental*

Promotion Committee. In cases where a Member of the Union Public Service Commission is included in the Departmental Promotion Committee, he shall act as Chairman. The Officer(s) selected will be appointed by the Government.

9. *Delegation of Powers.*—If the power to make appointments in the service is delegated by Government to any officer, that officer may exercise any powers of Government under this part of these Rules.

PART III

Recruitment by Selection

10. *Application for recruitment by selection.*—A candidate desiring to be recruited to the Service by selection shall apply before such date, in such form and in such manner as may be prescribed by the Commission.

11. *Qualifications for appointment to the Service.*—(a) A candidate must be either:—

- (i) a citizen of India, or
- (ii) a subject of Sikkim, or
- (iii) a person who has migrated from areas which now form Pakistan with the intention of permanently settling down in India, or
- (iv) a subject of Nepal or of a Portuguese or French possession in India.

NOTE:—(1) The appointment of candidates in category (iii) or (iv) above will be subject to the issue of a certificate of eligibility in their favour by the Government. Certificates of eligibility will not however be necessary in the case of candidates belonging to any of the following categories:—

- (1) Persons who migrated to India from Pakistan before the 19th July, 1948 and have ordinarily been resident in India since then.
- (2) Persons who migrated to India from Pakistan after the 18th July, 1948, but before 30th September, 1948 and got themselves registered as citizens within the time allowed.
- (3) Non-citizens who entered service under the Government of India before the commencement of the Constitution, viz., 26th January, 1950, and who have continued in such service since then. Any such persons who re-entered, or may re-enter such service with a break, after the 26th January, 1950, will, however, require certificates of eligibility in the usual way.

NOTE:—(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to the selection and he may also be provisionally appointed subject to the necessary certificate being eventually issued in his favour by Government.

(b) A candidate must be:—

- (i) not less than 25 years of age and not more than 45 years of age in the case of a post in the junior scale.
- (ii) not less than 30 years of age and not more than 45 years of age in the case of a post in the senior scale.

NOTE:—(1) The upper age limit will be relaxable upto a maximum of three years if a candidate belongs to a scheduled caste or a scheduled tribe.

(2) Candidates who are *bona fide* displaced persons from Pakistan will be allowed the age concessions which Government may sanction from time to time.

(3) The Commission may relax the age limits upto three years in exceptional circumstances.

(c) A candidate must have (1) either a medical degree and experience in Microbiology of 3 years for the Junior Scale and of 5 years for the Senior Scale and special aptitude for research, or (2) a post-graduate degree in Bio-Chemistry, Entomology, Physiology or allied subjects with experience in Bio-chemical, etc. research in relation to medical problems of 5 years for the Junior Scale and 7 years for the Senior Scale.

Provided that in exceptional cases the Commission may on the recommendations of the Central Government or a State Government treat as a qualified candidate, a candidate, who though he has not all or any of the qualifications prescribed in this Rule has passed examinations conducted by other institutions of a standard which in the opinion of the Commission justifies his admission.

(d) A candidate must satisfy the Commission and the appointing authority, that his/her character and antecedents are such as to make him/her suitable for appointment to the service.

12. *Decision of Commission on possession of qualifications final.*—The decision of the Commission on the question whether a candidate does or does not, satisfy any of the requirements of rule 11 including special qualifications, if any, prescribed under clause (c) of that Rule shall be final.

13. *Power of Government to modify or waive certain qualifications.*—Government may modify or waive all or any of the requirements of rule 11(a), (b) and (c) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils all the requirements of rule 11.

14. *Physical fitness.*—A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his/her duties as a Member of the Service. A candidate, who (after such physical examination as Government or the appointing authority may prescribe) is found not to satisfy these requirements will not be appointed.

15. *Payment of fees and proof of qualifications.*—(1) A candidate must, at the time of application, pay such fees as Government, after consulting the Commission, may from time to time prescribe.

(2) Candidates must submit such proof of their qualifications as the Commission may require.

16. *Probation.*—(a) Appointments will be made on probation for a period of two years.

(b) On the conclusion of his/her period of probation, Government may confirm the office in his/her appointment. If, however, during or at the end of the probationary period his/her work or conduct has in the opinion of Government been unsatisfactory, Government may either discharge him/her or extend his/her period of probation for such further period as Government may think fit, provided that before orders of discharge are passed the probationer shall be apprised by the competent authority of the grounds on which it is proposed to discharge him/her and given an opportunity to show cause against it.

(c) If no action is taken by Government under clause (b), the period after the prescribed period of probation shall be treated as an engagement from month to month, terminable on either side on the expiration of one calendar month's notice in writing.

(d) If the power to make appointments in the Service is delegated by Government to any officer, that officer may exercise any of the powers of Government under this rule.

APPENDIX

1. The various grades of posts included in the Service, their scales of pay and their classification into various classes or as Selection/non-selection posts are given below:

Junior Scale—4 Posts

Class I. Rs. 350-350-380-380-30-590-E.B.-30-770-40-850. p.m.

Senior Scale—7 Posts.

Class I. Rs. 600-40-1000-1000-1050-1050-1100-1100-1150 p.m.

Selection Grade—2 Posts

Class I. Rs. 1000-50-1400 p.m.

2. Officers appointed to the service will be debarred from private practice.

NOTE:—(1) Government may fix the number of posts in each grade.

(2) The number of posts shown against each grade in paragraph 1 above is likely to be revised.

[No. F.12-5/51-MI(PH).]

KRISHNA BIHARI, Asstt. Secy.

MINISTRY OF REHABILITATION*New Delhi, the 18th March 1953*

S.R.O. 564.—In exercise of the powers conferred by sub-section (2) of section 25 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby makes the following amendments in the Notification of the Government of India in the Ministry of Rehabilitation No. 14(50)/50, dated the 4th October, 1950, namely:—

For the Schedule to the said Notification the following Schedule shall be substituted, namely:—

THE SCHEDULE

S. No.	Name of Distt. Judge	Territorial limits
(1)	(2)	(3)
1	Shri Yogeshwar Prasad.	Rewa and Sidhi Distt. with headquarters at Rewa.
2	Shri Chandrika Prasad.	Satna and Shahdol districts with headquarters at Satna.
3	Shri Ram Krishan Sharma.	Chhatarpur and Panna districts with headquarters at Nowgong.
3	Shri Jagdeo Singh.	Tikamgarh and Datia districts with headquarters at Tikamgarh.

[No. 44(1)/53-Prop.]

MANMOHAN KISHEN, Asstt. Secy.

MINISTRY OF COMMUNICATIONS**(Posts & Telegraphs)***New Delhi, the 18th March 1953*

S.R.O. 565.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules for recruitment and training of candidates for the cadre of Workshop Supervisors in the Indian Posts and Telegraphs Department:—

PART I—METHODS OF RECRUITMENT

1. These rules shall be called the Workshops Supervisors Recruitment Rules.
2. For the purposes of these Rules—

- (a) "General Manager" means the General Manager, Posts and Telegraphs Workshops.
- (b) "Service" means the service consisting of Workshop Supervisors of the Indian Posts and Telegraphs Department.
- (c) Departmental candidates for the purpose of the rules mean categories of staff mentioned against Groups A and B below:—

Group A—Foremen, Assistant Foremen, Exchange Inspectors Grade I and Yard Foremen in the Workshops of the Posts and Telegraphs Department.

Group B—(i) all categories of staff mentioned in Group A;

(ii) all industrial workers in the skilled, highly skilled and skilled supervisory categories, and other cadres of industrial workers in the Bombay Telephone Workshops, the minimum of whose scale of pay is Rs. 60;

(iii) Draughtsmen, Electricians, Exchange Inspectors Grade II, Planning Inspectors, Planning Assistants, Industrial Chemists and Statisticians.

3. Recruitment to the service shall be—

(a) by selection of such departmental candidates included in Group A of clause (c) of rule 2 as are Engineering Graduates or holders of recognised Engineering Diplomas. The selection shall be made on the basis of merit by a Board consisting of the General Manager, the Deputy General Manager Posts and Telegraphs Workshops and the Manager of the Workshops where the candidates are called for interview.

(b) Of the remaining vacancies,

(i) 50 per cent by recruitment of departmental candidates included in Groups A and B of clause (c) of rule 2 through a competitive examination in accordance with part III of these rules.

(ii) 50 per cent by direct recruitment through a competitive examination in accordance with Part II of these Rules.

4. (a) If the number of departmental candidates who qualify is less than the number of vacancies available for such candidates, the remaining vacancies will be added to the vacancies available for outside candidates.

(b) All the members of the service belong to an All-India cadre and are liable for service anywhere in India. They are also liable for field service within the limits of India in times of war or national emergency.

5. *Place and date of Examination.*—The examination which will be open for admission of departmental and outside candidates to the service shall be held in India at such time and places as the General Manager may prescribe by notice. Every such notice will, when possible, announce the number of the vacancies to be filled on the result of the examination. Outside candidates must attend at their own expense.

6. *Subject and marks.*—Examination under these Rules shall be conducted by the General Manager in the manner prescribed in the regulations in Appendix A to these Rules.

7. *Fees.*—Candidates for the examination must pay the prescribed fees (See Appendix B). No claim for a refund of any of these fees will be entertained, nor can they be held in reserve for subsequent examinations or selections.

8. *Re-valuation of answer papers.*—No application from any candidate to have his answer papers re-valued will be considered.

PART II—DIRECT RECRUITMENT

9. Applications.—

(1) A candidate must apply to be admitted to the examination before such date, in such manner and in such form as the General Manager may prescribe.

(2) If a candidate is in the permanent service of Government he shall apply for admission to the examination through the proper official channel to the General Manager.

NOTE.—The submission of applications by persons in Government service is further governed by the Government servants applications for Posts (Central Services) (Railway Services) Rules [Published with Government of India—Home Department/Railway Department (Railway Board) Notification No. F.510/31-Est., dated the 7th June 1934/No. E 34-R.R.L., dated the 22nd January, 1935 as amended from time to time] and the corresponding rules made by State Government.

(3) If a candidate is not in Government service or is employed in Government service in a temporary capacity at the time that he submits his application he shall apply to the General Manager.

10. Status.—A candidate must be either—

(a) a citizen of India, or

(b) a subject of Sikkim, or

(c) a person who has migrated from areas which now form the territory of Pakistan with the intention of permanently settling in India, or

- (d) a subject of Nepal or of a Portuguese or French Possession in India, and if he comes under category (c) or (d) must be a person in whose favour a certificate of eligibility has been given by the Government of India. A candidate, in whose case such a certificate is necessary, may however, be admitted to the examination on his furnishing proof that he has applied for the certificate; and he may also be provisionally appointed subject to the necessary certificate being eventually given to him by the Government.

NOTE.—Persons who migrated to India from Pakistan before 19th July 1948 and have been ordinarily resident in India since then are eligible for appointment to services and posts under the Government of India without certificates of eligibility. Persons who so migrated on or after the 19th July 1948 must secure certificates of eligibility for appointment to Union Services, unless they had migrated before 30th September, 1948 and had got themselves registered as citizens within the time allowed. Certificates of eligibility will not be necessary in the case of non-citizens who entered service under the Government of India before the 26th January 1950 and have continued in such service since then, but any such person who re-entered or may re-enter such service with a break, after the 26th January 1950, will require certificates of eligibility.

11. Age.—A candidate must have attained the age of 18 and must not have attained the age of 27 on the first day of January of the year in which the examination is held.

NOTE.—The upper age limit prescribed above will be relaxed—

- (i) upto a maximum of 32 years if a candidate belongs to a Scheduled Caste or a Scheduled Tribe.
- (ii) upto a maximum of 50 years if a candidate belongs to a Scheduled Caste or a Scheduled Tribe and is also a *bona fide* displaced person from Pakistan; and
- (iii) upto a maximum of 45 years if a candidate is a *bona fide* displaced person from Pakistan.

12. Educational qualifications.—A candidate must—

- (i) have an Engineering Diploma from a recognised institution mentioned in Appendix "C" or any other institution where the prescribed minimum standard for admission to the Diploma Course is Matriculation or its equivalent and have two years practical experience in a Workshop, or
- (ii) he must be an Engineering Graduate and have one year's practical training in a Workshop.

NOTE.—The practical training referred to above is exclusive of the training given as part of the Engineering or Diploma Course. Training obtained subsequent to the passing of the final examination for the purpose of obtaining a degree or diploma will however count towards this practical training specified.

13. Recommendations.—No recommendations except those invited in the form of application, will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means will disqualify him for admission.

14. Acceptance or rejection of application.—

- (1) The General Manager will examine the applications of candidates and if he finds that any candidate does not fulfil the conditions laid down in rules 9 to 13 above, will reject his application.
- (2) Any outside candidate employed in the Department will be permitted to sit for the competitive examination by the General Manager only after a scrutiny of his confidential records. The General Manager will have full discretion to reject the application of a candidate whose record is unsatisfactory.
- (3) The General Manager will give candidates, whose applications are rejected, intimation of the fact.

15. Reserved Vacancies.—Appointments to the Service are subject to the orders on communal representation in the services issued by the Ministry of Home Affairs from time to time.

16. *Medical Examination.*—A candidate must be in good mental and bodily health, and free from any physical defect likely to interfere with the discharge of his duties as an officer of the Service. A candidate who as a result of the medical examination prescribed in Appendix D is found not to satisfy those requirements will not be appointed. Only candidates who are selected for training will be physically examined.

17. *Agreement and deposit.*—

- (1) A successful candidate will be required before the commencement of his training, to sign in the form laid down in Appendix E declaration to serve Government for a period of 5 years from the date of his appointment as Workshops Supervisor and to deposit a sum of Rs. 100 as security for the due fulfilment of the terms of the declaration.
- (2) The amount of security must be deposited in a Post Office Savings Bank and the security deposit account pledged to the General Manager.
- (3) The refund of the Security deposit will be authorised after the candidate has completed 5 years of service as Workshop Supervisor.

NOTE.—Permanent officials and industrial workers with more than 5 years' service if called on to undergo training will be exempted from furnishing the security deposit and declaration.

PART III—RECRUITMENT OF DEPARTMENTAL CANDIDATES THROUGH COMPETITIVE EXAMINATION

18. *Eligibility.*—A departmental candidate as described in clause (c) of rule 2 of these rules who has a minimum of 5 years service and whose age does not exceed 35 years on the 1st of January of the year in which the examination is held, will be eligible to appear for the competitive examination provided he is a Matriculate or possesses an equivalent qualification.

19. *Applications and selection of candidates.*—Candidates must fill in the prescribed application form and submit it to the General Manager. He will select suitable candidates from the applicants after a scrutiny of their confidential records. He will have full discretion to reject the application of a candidate whose record is unsatisfactory. Candidates whose applications are rejected will be duly informed.

20. *Filling of vacancies.*—Vacancies available for departmental candidates will be filled by successful candidates strictly according to merit in the examination.

21. *Medical Examination.*—Selected departmental candidates will be required to pass the medical examination prescribed in rule 16.

PART IV—TRAINING

22. Selected candidates who have the minimum practical experience specified above will not be given any further training. If however, it is noticed that sufficient candidates with the requisite minimum practical training are not available, such candidates when selected would be given further training by the Department in the Workshops, the period and nature of such training being determined by the General Manager to make up the deficiency specified in the above rules.

23. *Removal of unsuitable candidates.*—Any candidate found unsuitable at any stage will be liable to immediate removal and will not be allowed to sit again for the entrance examination referred to in rule 5.

24. *Allowances during training.*—During the period of training direct recruits will receive an allowance of Rs. 80 per month or such amounts as may be fixed from time to time.

25. *Training of departmental candidates.*—Normally no departmental candidates will require any such training as the selection would be restricted only to experienced officials. If however any of such selected official is found to be deficient and has to be given supplementary training before he can be taken substantively into the service, such official would also be given training in the Workshops, the nature and period of training being determined by the General Manager subject to a maximum of one year. Such departmental candidates will be entitled to the pay and allowances that they would have drawn but for their deputation for training, or the training allowance whichever is greater. The period of training will count towards service in the trainees' substantive grade.

PART V—APPOINTMENT AND EMOLUMENTS

26. *Appointment.*—

- (1) The selected candidate will be appointed as a Workshop Supervisor on probation for one year subject to the existence of vacancies in that grade. Any candidate who has to be given training as mentioned in Part IV will be appointed on probation for 1 year only after his successful completion of the training.

NOTE.—Any candidate who has to undergo training and is struck off after training with orders to report for duty as Workshop Supervisor should forthwith report at the place of duty. Any undue delay in this respect without the prior sanction of the competent authority may result in the disciplinary action against the candidate concerned.

- (2) If the work or conduct of a Workshop Supervisor on probation is unsatisfactory or shows that he is unlikely to become efficient he may be discharged forthwith.
- (3) On the conclusion of his period of probation, if his work or conduct has been found to be unsatisfactory he may either be discharged from service or his period of probation may be extended for such further period as may be considered necessary.

27. *Seniority.*—For the purpose of determining the relative seniority in the cadre of Workshop Supervisor appointed at any one time there will be three groups as mentioned in rule 3. Candidates selected under clause (a) of rule 3 would rank senior to those selected *vide* sub-clauses (i) and (ii) of clause (b) of rule 3 and candidates selected under sub-clause (i) of clause (b) of rule 3 would rank senior to those selected under sub-clause (ii) of clause (b) of rule 3. The *inter se* seniority in each group will be determined according to merit.

28. *Scale of pay.*—The prescribed scale of pay for Workshop Supervisor is Rs. 160—10—300.

Higher initial pay up to Rs. 200 may be given to Engineering Graduates.

APPENDIX "A"

(See Rule 6)

The subjects of the examination will be—

	Marks
1. English	100
2. Technical	200
3. Viva Voce in general & technical knowledge	100
Total	400

2. The technical paper will be of 2 parts—one, theory and the other mechanical drawing. The theory paper will carry 150 marks and include questions based on the standard for the licentiate course in Mechanical and Electrical Engineering on the following subjects:—

Applied Mechanics, Foremanship, Workshops practice, Heat Engines, Estimating and Costing, Machine Tools, Elementary Electrical Technology, Direct and Alternating Current Engineering, Electrical Instruments and testing, Transmission and Distribution of Energy. The mechanical drawing paper will carry 50 marks.

The minimum marks for qualifying will be 40 per cent in each paper or Viva Voce test.

3. From the marks assigned to candidates in each subject such deduction will be made as may be considered necessary in order to secure that no credit is allowed for merely superficial knowledge.

4. If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.

5. Credit will be given for good English in all subjects of the examination and not only in subjects which are specially devoted to English.

APPENDIX "B"

(See Rule 7)

Candidates must pay the following fees:—

	Outside candidates	Departmental Candidates
	Rs.	Rs.
(i) Application fee to be paid with the application form	5	5
(ii) Examination fee to be paid on selection for admission to the written examination	25	10
(iii) Medical fee to be paid before the medical examination.	10	10

NOTE.—The Schedule Caste and Scheduled Tribe candidates will be required to pay one-fourth of the examination fees prescribed in items (i) and (ii) above.

2. The examination fees must be paid into a Post Office. Fees remitted by money order, postal order or cheques will not be accepted.

3 The Post office receipt for the application fee must be submitted with the application form.

4. The examination fee must be paid on receipt of a written order from the General Manager and the post office receipt therefor produced before the examination is held.

5. The Medical fee must be paid in cash to the Medical Board on receipt of a written order from the General Manager and before the medical examination.

APPENDIX "C"

[See clause (a) of rule 3 and clause (i) of rule 12]

Particulars of Diploma	Name of Institution granting the Diploma
(a) Electrical Engineer	Victoria Jubilee Technical Institute, Bombay.
(b) Mechanical and Electrical Engineering.	Technical College, Dayalbagh, Agra. College of Engineering Poona, Nadirshaw Eduji, Dinshaw Civil Engineering College, Karachi.
(c) L.E.E. or L.M.E. or L.A.E.	Technical Institute, Inscin. Government School of Technologies, Dip- lomas Examination Board, Madras.
(d) Overseer	Ahsanullah School of Engineering, Dacca. Thomason Civil Engineering College, Roorkee.
(e) Mechanical Engineering	Technical College, Dayalbagh, Agra.
(f) Civil Engineering	Technical Institute, Inscin. Orissa School of Engineer
(g) Mechanical and Electrical Engineering (specialised in Mechanical or Electrical Engineering) (Grade A)	Government Technical Institute, Gorakhpur Uttar Pradesh.
(h) Subordinate Civil Engineering	Government Technical Institute, Lucknow.
(i) Civil, Mechanical or Automobile Engineer- ing.	Bihar College of Engineering, Patna. Government Engineering School, Nagpur.
(j) Mechanical, Electrical or Civil Engineering	Kala Bhavan Technical Institute, Baroda.
(k) "A" Class Diploma or "B" Class Certificate	Maclagan Engineering College, Moghalpura, Lahore.
(l) Mechanical and Electrical Engineering	College of Engineering and Technology Jadavpur, Bengal.
(m) Electrical Technology	Nowrosjee Wadia College, Poona.
(n) Electro Mechanics	Craik Technical Institute, Lahore.
(o) Bachelor of Engineering (Mechanical)	Osmania University, Hyderabad.
(p) Mechanical Electrical or Civil Engineering	Mysore University.
(q) Mechanical Electrical or Civil Engineering	Travancore University.
(r) All India Electrical Engineering	Delhi Polytechnic.
(s) Pre-Engineering Course	Delhi Polytechnic.

APPENDIX "D"

(See Rule 16)

Each candidate should be examined for physical fitness by a Medical Board who should be informed that a good constitution and active habits are essential qualifications for the post for which the person has been selected and that, if appointed, his future duties will render him liable to considerable exposure at all seasons of the year anywhere in India. The Medical Board should be asked clearly to state whether they consider the person examined capable of performing such duties. Inability to distinguish principal colours shall be regarded as a disqualification leading to the rejection of a candidate. The candidates shall be examined in accordance with the following standards of visual acuity:—

Distant vision	Better eye	Worse eye
Without glasses	6/60	6/60
Corrected with glasses	6/6	6/12
Near Vision	0.8	1

APPENDIX "E"

(See Rule 17)

FORM OF DECLARATION FOR CANDIDATES TO BE TRAINED AS WORKSHOP SUPERVISORS
To

The President of India.

I son/daughter of having been admitted on the day of 195 for technical training as a candidate for employment in the grade of Workshop Supervisors in the Indian Posts and Telegraphs Department hereby of my own free will (*and with the consent of my father/guardian of who has signed below in token of his agreement and acknowledgment on my behalf), agree and bind myself as follows:—

(*for minors).

- (1) I will undergo the full course of training extending over such period as may be prescribed by the competent authority;
- (2) I accept the terms and conditions of my training and of my future service on probation in and of the service generally in the grade of Workshop Supervisors in the Department as laid down at present or as may be laid down from time to time;
- (3) I will after the successful completion of my training serve the Department as a Workshop Supervisor for five years from the date of my appointment in the grade of Workshop Supervisors and during the period I shall not sever any connection with the Department unless I first obtain the consent of the competent authority;
- (4) I understand that my appointment in the said grade shall be on a temporary basis and that during the 1st year of my appointment in that grade, I shall be on probation and my service is liable to termination at any time if found unsatisfactory.
- (5) The sum of Rs. 100 deposited by me will remain with Government as security for the due fulfilment of the above conditions.
- (6) In case of my removal from the training class or service on account of mis-conduct or unsuitability and in case of a breach by me of conditions (1) and (3), except owing to ill health not brought on by my own carelessness or other cause not due to my fault or over which I have no control or my death, you shall have full power to order forfeiture of the amount of security deposit and also the repayment of stipends drawn by me during the course of training.

- (7) If upon completion of my training I am not appointed in the said grade of Workshop Supervisors in the Department the said deposit of Rs. 100 shall then be returned, and if I am so appointed then the same shall be returned at the termination of my first five years of service.

Date:

Signature of candidate.

I, Father/guardian of the confirm and agree to be bound by the above terms.

Date:

Signature of Father/Guardian.

[No. STA 147-8/52.]

New Delhi, the 21st March 1953

S.R.O. 566.—In exercise of the powers conferred by section 10 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendments shall be made in the Indian Post Office Rules, 1933, namely:—

- (i) In schedule 1 to rule 6 of the said Rules, the following further entries shall be added at the end namely:—

Name of country or place	Letters	Printed Papers (including newspapers), Business papers, sample packets and 'Blind Literature' packets	Postcard	Air Letter
	R. A. P.	R. A. P.	R. A. P.	R. A. P.
Portuguese India	0 1 6	0 1 6	0 1 6	0 3 0

- (ii) In rule 156 for the existing proviso the following shall be substituted:—

“Provided that the fees for air mail money orders shall be made up of (i) the money order commission at the rates prescribed by rule 147 and (ii) an air mail charge at the rate of 1½ annas for each money order drawn on Ceylon, Pakistan or Portuguese India, 6 annas for each money order drawn on other countries.”

[No. DA. 17-2/53.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT

MERCHANT SHIPPING

New Delhi, the 24th March 1953

S.R.O. 567.—In exercise of the powers conferred by Section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendments shall be made in the Rules relating to the Examination of Masters and Mates in the Mercantile Marine published with the Notification of the Government of India in the late Department of Commerce No. 21-M.I(2)/30, dated the 6th December, 1930, as subsequently amended, namely:—

In the three forms of Certificates of Competency for Master, First Mate and Second Mate of foreign-going steamships appended to the said Rules as subsequently amended, for the letters, words and figures “N.B.—Under the Provisions of His Majesty's Order in Council of the 17th December 1931, entitled the Merchant

Shipping (Indian Certificates of Competency) Order, 1931, this Certificate of Competency is of the same force as if it had been granted under the Merchant Shipping Act, 1894", the following shall be substituted, namely:—

"N.B.—This Certificate of Competency is of the same force as if it had been granted under the Merchant Shipping Act, 1894, but in case the holder is an alien, it is subject to the provisions of Section 5(1) of the U.K. Aliens Restriction (Amendment) Act, 1919".

[No. 86-M.I.(2)/48.]

S.R.O. 568.—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendments shall be made in the Rules relating to the Examination of Engineers in the Mercantile Marine published with the Notification of the Government of India in the Ministry of Transport No. S.R.O. 240, dated the 9th February, 1952, as subsequently amended, namely:—

In each of the seven forms of Certificates of Competency appended to the said rules for the letters, words and figures "N.B. Under the provisions of His Majesty's Order in Council of the 17th December, 1931, entitled the Merchant Shipping (Indian Certificates of Competency) Order, 1931, this Certificate of Competency is of the same force as if it had been granted under the Merchant Shipping Act, 1894", the following shall be substituted, namely:—

"N.B.—This Certificate of Competency is of the same force as if it had been granted under the Merchant Shipping Act, 1894, but, in case the holder is an alien, it is subject to the provisions of Section 5(1) of the U.K. Aliens Restriction (Amendment) Act, 1919".

[No. 86-M.I.(2)/48.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF PRODUCTION

New Delhi, the 19th March 1953

S.R.O. 569.—The following draft of certain further amendments in the Coal Mines Safety (Stowing) Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 17 read with section 19 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952), is published, as required by sub-section (1) of section 17, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 28th March, 1953.

Any objection or suggested which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules for the expression "Secretary (Stowing) to the Chairman, Coal Board" wherever it occurs the expression "Deputy Secretary to the Coal Board" shall be substituted.

[No. 24-CI(2)/53.]

P. M. NAYAK, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

Central Boilers Board

New Delhi, the 18th March 1953

S.R.O. 570.—In pursuance of clause (g) of regulation 2 of the Indian Boiler Regulations, 1950, the Central Boilers Board hereby recognises Messrs. Germanischer

Lloyd, Germany as an authority competent to grant certificate, in Form II annexed to the said Regulations, in Germany.

[No. M/BL-312(13)/51.]

B. S. KALKAT,
Secy., Central Boilers Board.

New Delhi, the 20th March 1953

S.R.O. 571.—In exercise of the powers conferred by sub-section (2) of section 1 of the Delhi and Ajmer Rent Control Act, 1952 (XXXVIII of 1952), the Central Government hereby extends the provisions of the said Act to the Municipality of Keki and all land within one mile of the limits of the said Municipality in the State of Ajmer.

[No. 2998-WII/53.]

New Delhi, the 24th March 1953

S.R.O. 572.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby directs that the following further amendments shall be made with immediate effect in the Special Accommodation Rules, 1950, issued with the Notification of the Government of India in the late Ministry of Works, Mines and Power, No. WIV 15(3)/III, dated the 19th January, 1950, namely:

In the said Rules:—

1. In the table below rule 4, for the entries relating to classes SF and SG the following entries shall be substituted, namely:—

“SF.....Less than Rs. 250.”

2. In sub-rule (1) of rule 13, the words “of the appropriate class” shall be omitted.

3. In the Schedule—

(a) in class SE, the following entry shall be added, namely:—

“(94)—(113) 20 ‘A’ type flats, Tibbia College.”

(b) in class SF, the following entries shall be added, namely:—

“(47)—(94) 48 Special B-type flats, Tibbia College.

(95)—(547) 453 Special E-type quarters, Karolbagh.

(548)—(646) 99 Special E-type quarters, Ahata Kidara.

(647)—(676) 30 Unorthodox Chummeries.

(677)—(780) 104 Orthodox Chummeries.

(781)—(1250) 470 two roomed flats in Vinay Nagar, (built in 1952).”

(iii) The entry relating to Class SG shall be deleted.

[No. 3005-WII/53.]

K. K. SHARMA, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 17th March 1953

S.R.O. 573.—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 584, dated the 25th March, 1952, published on pages 571 to 597 in Part II, Section 3 of the Gazette of India, dated the 29th March 1952, on page 587 for the heading “33 Secunderabad Cantonment” read the heading “33. Secunderabad Cantonment (In Hyderabad State Currency).”

[No. LWI-24(139).]

New Delhi, the 19th March 1953

S.R.O. 574.—In exercise of powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby appoints the Medical Officer of Health, Kanara East Division, Siorsi, to be an Inspector of Mines subordinate to the Chief Inspector.

[No. M-41(5)53.]

New Delhi, the 21st March 1953

S.R.O. 575.—The following draft of an amendment in the Coal Mines Labour Welfare Funds Rules, 1949, which it is proposed to make in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st May, 1953.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In the said Rules—Rule 31A, shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so re-numbered the following sub-rule shall be inserted, namely:—

“(2) The owner of each colliery shall maintain an independent dispensary at each colliery according to the standard specified in the Schedule referred to in sub-rule (1):

Provided that where several collieries are owned by one owner, he may maintain a common main dispensary for all of them with branch dispensaries attached to each colliery subject to the following conditions, namely:

- (i) the common main dispensary shall maintain the standards prescribed for the aggregate number of workers of all the collieries served by it or the standard maintained by it during the year 1951, whichever may be higher,
- (ii) every branch dispensary shall have a qualified doctor and a qualified compounder,
- (iii) the common main dispensary shall be so situated that none of the collieries served by it is more than ten miles distant from it, and
- (iv) the common main dispensary shall maintain an ambulance van for taking serious cases of injury and sickness from the branch dispensaries to the common dispensary.”

[No. M-1(3)52.]

P. N. SHARMA, Under Secy.

New Delhi, the 19th March 1953

S.R.O. 576.—The following draft of certain further amendments in the Indian Dock Labourers Regulations, 1948, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Dock Labourers Act, 1934 (XIX of 1934), is published, as required by section 7 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th June 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Regulations—

1. For regulation 24, the following regulation shall be substituted, namely:—

“24. *Handling of noxious and dangerous goods.*—No person shall be allowed to enter any hold of a vessel wherein there is given off dust, fumes or other impurities of such a nature and to such an extent as is likely to be injurious or offensive to the workers, or any dust in substantial quantities, unless—

- (i) all practical steps have been taken to remove the dust, fumes or other impurities which may be present and to prevent any further ingress thereof, or
- (ii) the person entering such a hold has been provided with suitable protective equipment.

2. After regulation 57, the following regulation shall be inserted at the end of Part V, namely:—

"57-A. *Handling of caustic and corrosive substances.*—When during a process involving the handling of any caustic and corrosive substance there is likelihood of any spillage or leakage of the substance, no person shall be allowed to work without wearing suitable protective clothing or other equipment."

3. For regulation 62, the following regulation shall be substituted, namely:—

"62. *Employers' responsibility for safe access, lighting, and handling of noxious and dangerous goods.*—If the persons whose duty it is to comply with regulations 16, 17, 19 and 24 fail so to do, then it shall also be the duty of the employers of the workers, for whose use the means of access, lights and protective equipment, as the case may be, are required, to comply with the said regulations within the shortest time reasonably practicable after such failure."

[No. Fac.38(38).]

S. T. MERANI, Dy. Secy.

New Delhi, the 20th March 1953

S.R.O. 577.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following awards in the matter of victimisation, etc., of workmen in the Punjab National Bank, Limited.

**BEFORE THE INDUSTRIAL TRIBUNAL (PUNJAB NATIONAL BANK DISPUTES),
BOMBAY**

PRESENT:

Shri S. Panchapagesa Sastry—Sole Member.

ADJUDICATION BETWEEN

The Punjab National Bank Ltd. and their workmen specified in Schedule II to the Government of India Ministry of Labour Notification S.R.O. No. 636, dated 31st March 1952.)

Shri Pateshwar Singh
Shri Swaram Singh
Shri Dilip Singh
Shri Krishan Dev Shastri
Shri Gauri Shankar Puri
Shri Ram Chand Kakar
Shri Avinash Chander Thakur
Shri Ram Itwari
Shri Jassi Ram
Shri Purshottam Lal Syal
Shri Ram Nath Sahai
Shri Om Prakash Sharma
Shri Ramjidas
Shri K. D. Sharma
Shri Ramcharan
Shri Ram Sewak Dubey
Shri Bansi Lal
Shri B. L. Srivastava
Shri Kripa Shankar
Shri Manohar Lal Booty
Shri N. K. Parao
Shri Kaniyalal Burman
Shri Sunderlal Chandna
Shri Hukam Chand.

Serial Nos. 2, 3, 4, 6, 7, 10, 11,
13, 14, 17, 20, 22, 23, 25, 29,
30, 31, 32, 33, 34, 35, 38, 39 and
40 in S.R.O. No. 636, dated 31st
March 1952.

Versus

The Punjab National Bank Ltd.

AWARD

These are some of the disputes that have been referred to this Tribunal for adjudication under the Government of India, Ministry of Labour Notification S.R.O. No.

636, dated 31st March 1952. They appear in the Schedule as Serial Nos. 2, 3, 4, 6, 7, 10, 11, 13, 14, 17, 20, 22, 23, 25, 29, 30, 31, 32, 33, 34, 35, 38, 39 and 40 and the nature of the disputes as set out therein is as follows:—

- Serial No. 2—"Discharge from service."
- Serial No. 3—"Discharge from service."
- Serial No. 4—"Discharge from service."
- Serial No. 6—"Discharge from service."
- Serial No. 7—"Suspension from service."
- Serial No. 10—"Termination of service."
- Serial No. 11—"Forfeiture of bonus and stoppage of increment."
- Serial No. 13—"Non-confirmation in service."
- Serial No. 14—"Non-confirmation in service."
- Serial No. 17—"Confirmation in service."
- Serial No. 20—"Imposing of fine."
- Serial No. 22—"Payment of compensation."
- Serial No. 23—"Payment of full amount of efficiency allowance."
- Serial No. 25—"Withholding of bonus for 1948."
- Serial No. 29—"Discharge from service."
- Serial No. 30—"Discharge from service."
- Serial No. 31—"Confirmation as Record Keeper."
- Serial No. 32—"Confirmation as Record Keeper."
- Serial No. 33—"Confirmation as Record Keeper."
- Serial No. 34—"Confirmation in Supervisor's Grade."
- Serial No. 35—"Dismissal from service."
- Serial No. 38—"Termination of employment."
- Serial No. 39—"Promotion to Supervisor's post."
- Serial No. 40—"Payment of annual increment."

These disputes were originally referred to the All India Industrial Tribunal (Bank Disputes) as part of the Government of India, Ministry of Labour Notification, S.R.O. No. 42, dated 8th January 1952. They were subsequently deleted from the aforesaid notification and referred to this Tribunal under S.R.O. No. 636, dated 31st March 1952. Registered notices were issued to the concerned workmen calling for their statements either by the All India Industrial Tribunal (Bank Disputes) when it was seized of these matters or by this Tribunal after they were deleted from S.R.O. No. 42, and referred to this Tribunal. It appears from the postal acknowledgments received in this office that most of these workmen have been personally served with the notices. The notices sent to the remaining few have been received either by the union on behalf of the concerned workmen or by certain others on their behalf who presumably had authority to receive the same, as otherwise they would not have been delivered to them. In spite of the lapse of several weeks since notices were served, no statements have been received so far. It does not therefore appear that there are now in existence any disputes requiring adjudication. In these circumstances an award is passed that no orders are necessary.

(Sd.) S. PANCHAPAGESA SASTRY, *Sole Member*,
Industrial Tribunal (Punjab National Bank Disputes).

BOMBAY:

The 10th March, 1953.

BEFORE THE INDUSTRIAL TRIBUNAL (PUNJAB NATIONAL BANK DISPUTES),
BOMBAY

PRESENT:

Shri S. Panchapagesa Sastry.

ADJUDICATION BETWEEN

The Punjab National Bank Ltd. and their workmen specified in Schedule II to the Government of India Ministry of Labour Notification S.R.O. No. 636, dated 31st March 1952.

(1) Shri Ascharaj Lal Budhiraja	}	Serial Nos. 8, 21, 28 and 43 in S.R.O. No. 636 dated 31st March 1952.
(2) Shri Pran Nath Uppal		
(3) Shri Lal Chand Goyal		
(4) Shri C. P. Mishra.		

Versus

The Punjab National Bank Ltd.

AWARD

These are some of the disputes referred to this Tribunal for adjudication under the Government of India, Ministry of Labour Notification No. S.R.O. 636, dated 31st March 1952. They appear in the schedule as serial Nos. 8, 21, 28 and 43 and the nature of the disputes as set out therein is as follows:—

Serial No. 8—Reduction in pay.

Serial No. 21—Withholding of increment, stoppage of local allowance.

Serial No. 28—Withholding of increment.

Serial No. 43—Victimization.

2. These disputes were originally referred to the All India Industrial Tribunal (Bank Disputes) as part of the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952. Registered notices were issued in the first three by that Tribunal on 13th February 1952 to the workmen concerned calling upon them to file their statements on or before 29th February 1952. The workmen were served. Except in serial No. 8 no statement was filed by the workmen in the other two. In the last one, notice was not issued by that Tribunal as there was some mistake in the description of the dispute in the notification. All these cases along with certain others were subsequently deleted from S.R.O. 42 and referred to this Tribunal under S.R.O. No. 636, dated 31st March 1952. In the last one which appears as Serial No. 43 in S.R.O. 636, dated 31st March 1952 registered notice was issued by this Tribunal on 13th November 1952 calling upon the workman to file a statement of his case on or before 1st December 1952. Though the workman was served, he did not send any statement.

3. It is now found from the communications received in the office that in all these four disputes, the workmen do not press for any adjudication either on the ground that the case is withdrawn or on the ground that no disputes now exist. In these circumstances an award is passed that no orders are necessary.

BOMBAY;

The 9th March, 1953.

(Sd.) S. PANCHAPAGESA SASTRY, *Sole Member*,
Industrial Tribunal (Punjab National Bank Disputes).

[No. LR-100(16).]

S.R.O. 578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award (Part I) in the industrial dispute between the Barsi Light Railway Company Limited and the Barsi Light Railwaymen's Union.

BEFORE SHRI SALIM M. MERCHANT, INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE (IT-CG) No. 5 OF 1952

ADJUDICATION BETWEEN

The Barsi Light Railway Company Limited

AND

The Barsi Light Railwaymen's Union.

In the matter of a reference under Section 10(2) of the Industrial Disputes Act of 1947

Shri J. D. Bhote, Agent and General Manager, for the Barsi Light Railway Co. Ltd.

Shri K. N. Joglekar, President, Barsi Light Railwaymen's Union, for the Union.

AWARD—PART I

The Government of India, Ministry of Labour, was pleased by its Order No. LR-2(373), dated 6th October 1952, made in exercise of the powers conferred by

section 7 and sub-section (2) of Section 10 of the Industrial Disputes Act of 1947 (XIV of 1947), to constitute an Industrial Tribunal consisting of myself as the sole member and to refer for adjudication to me the industrial dispute between the Barsi Light Railway Co. Ltd. and the Barsi Light Railwaymen's Union, in respect of the matters set forth in the schedule to the said order.

2. After the order of reference was made, the parties were called upon to file their respective written statements. The Barsi Light Railwaymen's Union (hereinafter called the Union) filed its statement of claim on 23rd December 1952 and the Barsi Light Railway Co. Ltd. (hereinafter called the Company) filed its written statement in reply on 30th January 1953. After several preliminary hearings at Bombay, the parties desired that I should inspect the workshop, the loco shed and the conditions of work of the workmen at Kurduwadi, Barsi and Pandharpur, which I did on 4th March 1953 and 5th March 1953. The hearing was thereafter proceeded with at Kurduwadi and on 7th March 1953, the parties filed the terms of settlement reached between them on demands Nos. 3, 4, 5, 6 and 7, forming the subject matter of this reference. A copy of the terms of settlement reached between the parties is annexed hereto and marked "Annexure A". The parties have prayed that I should make an Award—Part I, on those demands in terms of the settlement reached between them.

3. I, therefore, make an award on demands Nos. 3, 4, 5, 6 and 7 of this reference in terms of the settlement reached between the parties. The hearing of the dispute on the remaining demands Nos. 1, 2 and 8, stands adjourned to 8th April 1953 at Bombay.

4. This Award—Part I—is directed to be submitted to Government. No order as to costs.

BOMBAY;

The 10th March, 1953.

SALIM M. MERCHANT,
Industrial Tribunal.

ANNEXURE 'A'

BEFORE SHRI SALIM M. MERCHANT, INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE (IT-CG) No. 5 OF 1952

ADJUDICATION BETWEEN

The Barsi Light Railway Company Limited, Kurduwadi

AND

The Barsi Light Railwaymen's Union, Kurduwadi.

May It Please Your Honour,

We the parties to the above industrial dispute have come to the following settlement on demands Nos. 3, 4, 5, 6 and 7 forming the subject matter of this reference and pray that an award be made in terms thereof.

TERMS OF SETTLEMENT

<i>Demand</i>	<i>Settlement</i>
<i>Demand No. 4.</i> —All Shed Staff should be given just the same as Workshop Staff arrears of Paid Holiday Wages for the years 1950 and 1951.	In settlement of this Demand the parties are agreed that the Management shall grant 7 days' Special Leave with pay & dearness allowance to each workman of the Running Sheds at Kurduwadi and Pandharpur concerned in this demand, for the years 1950 and 1951; the 7 days' Special Leave to be enjoyed by the workmen concerned by 31-12-1953. The Management shall prepare a schedule showing when each of these workmen shall be granted the 7 days' Special Leave agreed to herein and a copy thereof shall be supplied to the Union.
<i>Demand No. 5.</i> —Implementation of the new leave rules application joint agreement by providing adequate leave reserves.	It is agreed that in future when an application of a workman for leave has been refused by the Management and the Union considers that such refusal was unreasonable or unjustified, the Union shall be at liberty to approach the Management on behalf of the workman concerned and on such representation being made by the Union, the Management shall reconsider its decision.

Demand

Settlement

- Demand No. 6.**—Implementation of the Central Pay Commission scale Agreement by removing anomalies of fixation by fixing the staff concerned consistent with the category of work done.
- Demand No. 7.**—Reinstatement of Gatewoman Yamnabai wrongfully discharged for the crime of the natural death of her husband.
- Demand No. 3.**—Implementation of the Joint Agreement dated 20-11-1947 regarding Central Pay scale application with full effect to all Gang Staff as from 1-4-1947 and as reiterated again by Joint Agreement of 31-7-1951.
- Shri Joglekar states that there are still about 25 cases of anomalies, as stated in the Union's Statement of claim, in respect of fixation of the workmen in correct categories and C.P.C. scales of pay. It is therefore agreed between the parties that within 15 days from today (7-3-53) Shri Joglekar shall submit to the management the list of such cases. Upon such list being submitted to the Management, these cases shall be referred for examination to the Departmental Officer in consultation with the Subordinate Officers of the Department concerned along with 3 representatives of the Union. If no agreement is reached at such an enquiry, then the matter shall be referred for the decision of the Agent and General Manager of the Administration who shall decide the matter after hearing both the parties and making the necessary enquiries and his decision shall be final and binding on both the parties.
- At the suggestion of the Tribunal, the Management has appointed Bai Yamnabai in its service since 1-3-1953, in the post of a Female Garden Cooly at Kurduwadi Hospital on the basic wage of Rs. 30-0-0 p.m. in the scale of Rs. 30—Re. 0-8-0—Rs. 35-0-0 plus the usual dearness allowance. On compassionate ground, the Management has also agreed to pay her six months' basic wages and dearness allowance. It is further agreed that upon Bai Yamnabai's work being found satisfactory, she shall be made permanent in this post within 6 months from 1-3-53. The amount of compassionate payment as aforesaid shall be made to Bai Yamnabai by 10-3-1953.
- The parties are agreed that with effect from 1-4-1953 the Management shall appoint 37 additional Gangmen and 3 Gang Mates as permanent workmen on the permanent way gangs and pay them at the C.P.C. scales of pay and dearness allowance. These 37 gangmen and 3 gang mates shall be selected in consultation with the representative of the Union from amongst the casual labour with maximum service hitherto employed through the contractors. The parties are further agreed that with effect from 1-4-1953, the Management shall discontinue the practice of engaging casual labour through contractors, and shall, thereafter, engage all casual labour required by it direct and pay them at the Government rates applicable for casual labour for the region concerned. The Management shall maintain a register of such casual labour to be employed by it in consultation with the Union. The Management shall not employ any casual labour for permanent way maintenance work, but if so employed as substitutes in place of permanent workmen, such casual labour shall be paid wages and dearness allowance at the C.P.C. scales. If a casual labourer is employed for a continuous period of 6 months for permanent maintenance work he shall be made permanent.

Dated at Kurduwadi this 7th day of March 1953.

For the Barsi Light Railway Co. Ltd.,

J. D. Bhote,

Agent and General Manager.

For the Barsi Light Railwaymen's Union,

K. N. JOGLEKAR, *President*.

Before me.

SALIM M. MERCHANT,
Industrial Tribunal.

The 7th March, 1953.

[No. LR.2(373).]

New Delhi, the 21st March 1953

S.R.O. 579.—WHEREAS the award of the Industrial Tribunal, Calcutta, in respect of an application under section 33-A of the Industrial Disputes Act, 1947 (XIV of 1947) preferred by Shri L. S. Seth, Chief Cashier, United Commercial Bank, Ltd., Kanpur Branch, was published under the notification of the Government of India in the Ministry of Labour No. S.R.O. 257, dated the 11th February 1952;

Whereas the case was remanded to the Industrial Tribunal, Calcutta, for rehearing by the Labour Appellate Tribunal;

AND WHEREAS the said Industrial Tribunal has accordingly reheard the case and has given a fresh award;

Now therefore, in pursuance of section 17 of the said Act, the Central Government hereby publishes the said award of the Industrial Tribunal, Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

BEFORE SHRI K. S. CAMPBELL-PURI, B.A., LL.B., CHAIRMAN.

Application No. 25/51 (REMAND)

Shri Lakshmi Shankar Seth, Chief Cashier, United Commercial Bank Ltd., Kanpur Branch,

Versus

The United Commercial Bank Ltd.

APPEARANCES:

Shri Lakshmi Shankar Seth in person.

Shri V. N. Sekhri, Provincial Joint Secretary, U.P. Bank Employees Union, Kanpur, for the applicant.

Shri R. V. Govindan, Law Officer, for the United Commercial Bank.

AWARD

This is one of the industrial disputes brought before this Tribunal by an application dated 31st May 1951 under section 33-A of the Act preferred by Shri L. S. Seth, Chief Cashier of United Commercial Bank, Kanpur Branch, relating to his discharge from service during the pendency of proceedings of the general Reference No. LR.2(273), dated 21st February 1950. The application was duly heard and the award made on 8th January 1952 and published in the *Gazette of India* dated 11th February 1952 whereby the claim of the applicant was dismissed. The learned Labour Appellate Tribunal by their decision dated 5th December 1952 in Appeal No. Cal-49/52 however set aside the award and has remanded the case to this Tribunal to make fresh adjudication bearing in mind the following questions *viz.*

(1) Whether the complainant was an officer or a workman after affording opportunity to the parties to lead evidence on the point, if they so desire, and

(2) Both the cases of victimization alleged by the complainant.

On the receipt of the record usual notice was issued and the parties were informed that the hearing in the remand case shall come up along with some other pending cases emanating from U.P. State in the course of the next tour and the place of sitting shall be notified in due course. The actual hearing took place on 25th February 1953 at Lucknow in the presence of Shri Lakshmi Shankar Seth who was also represented by Shri V. N. Sekhri, Provincial Joint Secretary of the U.P. Bank Employees Union. Shri R. V. Govindan, Law Officer of the United Commercial Bank, appeared for the Bank.

The Bank representative challenged the validity of the order of remand and by way of preliminary objection contended that the Labour Appellate Tribunal was not competent to direct this Tribunal to make fresh adjudication of the case inasmuch as S. 151 of the Civil Procedure Code which vests Civil Courts with inherent powers of remand does not apply in the case of industrial disputes which are referred only by the appropriate Government. It was next argued that the Labour Appellate Tribunal while retaining the appeal case before them could ask for a report but they had no power to give direction for fresh adjudication. The objection was further pressed in regard to the jurisdiction of this Tribunal and it was urged that the Industrial Tribunals get jurisdiction for adjudication only either u/s 10 of the Act when a Reference has been made by the appropriate Government or u/s 33-A when any aggrieved person files an application against any cause having arisen during the pendency of proceedings before a Tribunal. It was maintained that in the absence of both the aforesaid grounds this Tribunal has no jurisdiction to make fresh adjudication as directed by the Labour Appellate Tribunal. Reference was made to sub-section (7) of Section 9 of the Industrial Disputes (Appellate Tribunal) Act, 1950 and it was argued that the Appellate Tribunal could only confirm, vary or reverse the award appealed from and when the award or decision is varied, the decision of the Appellate Tribunal should also state the relief the appellant is entitled. The argument was stressed that in this case the Labour Appellate Tribunal has reversed the award but has not stated the relief to which the appellant was entitled and on the contrary has called upon the Tribunal to make fresh adjudication for which there was no provision in the Act and as such

the remand order was faulty on the point of competency of the Labour Appellate Tribunal and furthermore this Tribunal has no jurisdiction to take seizin of the case once again when the Tribunal has not been asked to adjudicate by the appropriate Government.

Shri Sekhri in reply to the legal objection pointed out that Shri Govindan himself had agreed in the course of appeal before the Labour Appellate Tribunal to the remand order and is now estopped to question the competency of Labour Appellate Tribunal regarding the remand order. It was further submitted that in sub-section (7) of Section 9 of Industrial Disputes (Appellate Tribunal) Act, 1950, the words "may pass such orders as it may deem fit" are also mentioned, and the Labour Appellate Tribunal was competent to pass any suitable order according to the facts and circumstances of the case. It was next argued that the Labour Appellate Tribunal is not governed by the Industrial Disputes Act, 1947 (No. XIV of 1947) and reference to S. 10 and S. 33-A of that Act by Shri Govindan was misplaced inasmuch as the decisions of the Labour Appellate Tribunal are to be governed under the Industrial Disputes (Appellate Tribunal) Act, 1950. Reliance was placed on S. 16 of that Act which deals with the effect of the decision of the Labour Appellate Tribunal. On the point of jurisdiction Shri Sekhri relied upon the provisions of S. 3 of the Industrial Disputes (Appellate Tribunal) Act wherein it is stated that "The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law." The argument precisely was that although under the Industrial Disputes Act, 1947 the Tribunal gets jurisdiction by virtue of the Reference made by Government u/s 10 of the Act or u/s 33-A which requires the matter to be adjudicated upon as if Reference has been made but when the provisions of the Industrial Disputes (Appellate Tribunal) Act come into play, the provisions of Industrial Disputes Act, 1947 shall have no effect even if found inconsistent with the provisions of the Appellate Tribunal Act of 1950.

The point raised is indeed interesting and is susceptible to serious consideration. Now with regard to the objection on the point of competency of the Labour Appellate Tribunal to remand the case in the manner directed in the remand order suffice it to say that the decision of the appellate authority made rightly or wrongly is binding upon this Tribunal and I have no hesitation in observing that this Tribunal cannot sit on judgment regarding the competency of the Labour Appellate Tribunal. The forum for questioning the competency of the Labour Appellate Tribunal lies with some higher court or authority and it is problematic whether this Tribunal is itself competent to impugn the competency of the Appellate Tribunal to make a remand. The other part of the objection viz., one of jurisdiction to take cognizance of the matter once again although an allied one with the question of competency is inherently pertinent and calls for a clear finding before entering into the adjudication. In this respect as said above the main contention of Shri Govindan is that the Tribunal gets jurisdiction for the purpose of making adjudication on a reference only made by the appropriate Government u/s 10 of the Industrial Disputes Act, 1947 or by entertaining an application u/s 33-A made by an aggrieved party against a cause arisen during the pendency of proceedings before the Tribunal. This appears to be the normal position as laid down under the Industrial Disputes Act of 1947 (as amended) inasmuch as the Tribunal cannot entertain any application of its own accord excepting one u/s 33 which does not require to give an award. But as urged by the other side the Labour Appellate Tribunal was constituted under a different Act viz. Industrial Disputes (Appellate Tribunal) Act, 1950 (Act No. XLVIII of 1950) and it provides a separate procedure for filing appeals in relation to industrial disputes and certain matters incidental thereto. This Act of 1950 by itself is a complete compendium for the hearing of appeals and in making decisions thereupon although some of the provisions admittedly are analogous to the parent Act of 1947 viz. Industrial Disputes Act. It is therefore to be seen as to whether this Tribunal has jurisdiction to make fresh adjudication under the direction given by the Appellate Authority for fresh adjudication. In considering this question it is noteworthy that the position taken up by the Union representative is that the Industrial Disputes Act, 1947 does not apply and if there are conflicting provisions the later provision should be followed. In the absence of lawyers much legal help was not forthcoming; but so far the basic rules of interpretation of Statutes go it seems clear to me that where two parts of the Statute are in conflict the court should try to reconcile any apparent inconsistency and should try to give preference to a construction which avoids making any provision superfluous. And furthermore if the two Acts are enacted by the same legislature I think it is the duty of the Court to see in the first place that the provision of one Act which happened to be inconsistent with the provisions of another Act passed by the same legislature should as far as possible be reconciled by treating one as a qualification of the other and if that be not possible the provisions of the latter Act should prevail as it speaks the last intention of the maker. There is yet another rule namely of *casus omissus* which attracts the attention of courts and adjudicators in such cases when any

clear provision is lacking. In this respect the one accepted principle of law is that it is for the legislature to resolve a *casus omissus* to the statute by a suitable amendment and not for the Court to remedy the defect. It is however the duty of the Court to proceed on the assumption that legislature does not make mistakes and whatever the real effect may be, a Court of law is to proceed upon the assumption that no mistake was made in enacting a certain provision. In this instant case the contention of Shri Govindan is that the Tribunal gets jurisdiction only under the Industrial Disputes Act. If that be so, the provisions of the Labour Appellate Tribunal would not be applicable to this Tribunal and the position would become untenable. I am therefore of the definite opinion that both the Acts viz. Industrial Disputes Act, 1947 and the Industrial Disputes (Appellate Tribunal) Act, 1950 govern the proceedings of this Tribunal and in case there is any conflict in the provisions as said above the provisions of the latter Act shall apply. If it be held otherwise the authority of the Labour Appellate Tribunal would be nugatory and the Industrial Tribunals are likely to come in clash with the higher appellate authority. I do not think that that could have ever been intended by the legislature. Now Section 3 of the Appellate Tribunal Act reads as follows:

"3. *Effect on Other Laws*:—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law."

This speaks clearly that if any provision of any other Act or instrument looks or becomes inconsistent with the provisions of this Act of 1950, the provisions of the Act of 1950 shall prevail. The powers of the Labour Appellate Tribunal and the procedure to be adopted moreover have been laid down u/s 9 and as I read the section I find that these differ from those of the Industrial Tribunals as laid down u/s 11 of the Industrial Disputes Act, 1947. It appears that the powers of the Labour Appellate Tribunal are almost the same as those of Civil Appellate Court because the Appellate Tribunal can summarily dismiss an appeal and after full hearing dismiss, alter or modify an appeal and also remand a case from which an appeal has arisen with such directions as it may deem fit. It follows that apart from the Industrial Disputes Act, 1947 jurisdiction to re-hear a case by the Tribunal in which the decision was upset also flows from the Industrial Disputes (Appellate Tribunal) Act of 1950. There is also another aspect of the question viz. that the cause of action which arose under section 33-A of the Act relating to the discharge of Shri Seth subsists until and unless the same has not been fully adjudicated upon and as such this adjudication would form a part of the dispute brought u/s 33-A of the Act and registered in this office of course subject to further appeal if so desired by any of the parties to the Labour Appellate Tribunal. Lastly, even if there be no clear provision and the words of Section 3 and Section 9 are ambiguous and leave a reasonable doubt of its meaning which the canons of interpretation fail to solve, my view is, that the benefit of doubt must go to the subject and against the legislature which has failed to explain itself unequivocally. It is a well established rule that the courts construing the words of a statute will assign to it the meaning which is favourable to the subject ordinarily for the simple reason that this rule advances the method of remedy as against creating impediment to seek the remedy. For all these reasons I am of the opinion that the case is triable by this Tribunal under the directions of the Labour Appellate Tribunal by way of fresh adjudication and the necessary proceedings shall follow.

This brings me to the remand itself and herein again there is one legal contention to be disposed of before entering into the facts of the case. This was borne out from the remand order raised by Shri Govindan before the Labour Appellate Tribunal and has been referred for adjudication once again after admitting evidence from both sides. The point posed for discussion is that Shri Seth was an officer and did not satisfy the definition of workman as laid down u/s 2(s) of the Act. Shri Govindan, the Bank representative, in support of the plea examined Shri D. N. Jha, Manager, Kanpur Branch as well as Shri G. K. Tandon, Manager Lucknow Branch of the United Commercial Bank and also relied upon documentary evidence already exhibited on the record in the first instance (Exhibits 1 to 5) and now produced Exhibits 6 to 12. The previous documentary evidence consists of the agreement deed Ex. 1 executed between Shri Seth and the Bank wherein some of the duties and privileges of the subject are mentioned and some correspondence relating to these duties Exs. 2 and 3 series. This evidence was augmented by other documentary evidence and the principal document relied upon in this connection is Ex. 7 which gives a list of duties of the members of the staff from Manager down to the Assistant Cashier. The duties assigned against the name of Chief Cashier in this document read as follows:

"Looking after Cash Department. Clearing. Administration of Cash Department, Sending and receiving Bank Pay Office cash, sending and receiving bullion to and from branches."

On the other hand the Employees Union put Shri Seth into the witness box and also relied upon some documents which relate to the incident pertaining to the payment of Rs. 23,000 and other matters. Confining myself at present to the evidence relating to this legal objection as to whether Shri Seth satisfies the definition of workman I would refer to the statement of Shri D. N. Jha, Manager, Kanpur Branch, under whom Shri Seth was working as Chief Cashier. He deposed on this question as follows:

"It was the Manager who was sanctioning the leave applications of the Cash Department on the recommendation of the Chief Cashier. The rules and regulations of the Bank were applicable to the members of the Cash Deptt. also. The Head Office was sanctioning the increments of the Cash Deptt. employees. Mr. Seth was not empowered to issue charge sheet or take disciplinary action against the employees of Cash Deptt. Mr. Seth could not appoint anyone without the approval of the Bank."

Shri Jha further deposed that the form of Power of Attorney given to Shri Seth was of a general nature, and that Shri Bal Kissen Seth and Trikunddas, Supervisor, were holding joint power of attorney. This witness in examination in chief, of course, stated that Shri Seth was the Chief Cashier and had the control over the Cash Department where he had a separate table and a chair and used to sit in the banking hall and not in the cash enclosure. Shri Govindan on the strength of this evidence detailed above argued that Shri Seth for all purposes was an officer as he was in charge of the Cash Deptt. On the other hand Shri Sekhri vehemently urged that the point has since been thrashed out in more than one appellate Tribunal decisions as well as by this Tribunal whereby Head Cashier, Supervisor, Assistant Cashiers have been held to be workmen. Both sides referred to some legal precedents but it would be of no consequence to go into all those authorities because I have no hesitation in remarking that it is much too late in the day to crop up this controversy once again which has been considered upto Supreme Court and the question has been discussed in all its implication by this Tribunal in more than one cases which have been upheld by the Labour Appellate Tribunal. Reference may profitably be made to the full bench decision in the matter of *United Commercial Bank Ltd. Vs. Kidar Nath Gupta* (1952 Labour Law Journal I p. 782) wherein the whole position has been fully discussed and subsequently applied to other cases. One of the Benches of the Labour Appellate Tribunal in the case of *'Bharat Bank Vs. Certain Employees* (1952 II Labour Journal p. 420) has summed up the position in para. 1 in the following words:

"11. Applying this test we have come to the conclusion that head-cashiers and accountants are workmen as defined in the Industrial Disputes Act as their duties are not of a directional or controlling nature."

At any rate in this particular case on the appreciation of the evidence adduced before me in the first instance and now after remand I am of the definite opinion that the duties assigned to the head cashier as mentioned in Ex. 7 relied upon by the Bank itself do not make him an officer as he had no controlling or directional power. The position of the head cashier as disclosed by the evidence was more or less of a contractor who entered into agreement with the Bank to supply cashiers and take responsibility for any deficit but the employees including the head cashier himself were under the direct control of the Manager. The Head Cashier had no authority even to grant leave to any one of the employees of the Cash Department much less to take action against anybody. He himself was under an agreement and his services were terminable at any time when the Bank required. In the circumstances he was not even a permanent employee. His services as laid down in the agreement deed (Ex. 1) were terminable on 6 months notice and the Cash Department was under the direct control of the Bank. I am fortified in holding this by another decision of the Labour Appellate Tribunal given in the case decided between *'United Commercial Bank Vs. Certain Employees* (published in 1952 I Labour Law Journal p. 393). The Tribunal held that the employees of Cash Department of a Bank are the employees of the Bank and are entitled to the same conditions of service as any other employee. The point needs no further elaboration and I have no hesitation in coming to the conclusion that Shri Seth satisfied the definition of workman and was not an officer for the purposes of Industrial Disputes Act.

Coming to the grievance of the applicant which forms the subject of remand viz., the incident relating to a cheque for Rs. 23,000 on Central Bank of India, both sides this time produced evidence—oral as well as documentary. Shri Seth himself came into the witness box and gave the particulars of the incident. On the other hand Shri Jha, the Manager, who was accused of having abused Shri Seth was also examined by the Bank. The version of Shri Seth summarised briefly is:

That on 12th May 1951 Shri Seth was asked by the Manager Shri Jha to enquire from the Central Bank of India regarding a cheque for Rs. 23,000, sent for collection

to the United Commercial Bank, and he did enquire from the Central Bank of India on telephone as to whether the cheque was cashed or not but he did not receive any reply. Meanwhile within 4 or 5 minutes, Shri Jha, the Manager, again called him and used abusive language towards him whereupon he protested and sent a telegram to the head office immediately and a letter on 14th May 1951 giving the particulars of the aforesaid incident. No enquiry was made into the matter nor he was asked to submit any explanation and he received an intimation on 24th May 1951 that his services were terminated in terms of the agreement deed on payment of six months salary. That he collected the amount of salary in lieu of notice under protest and on enquiring about the reason of the termination of his services was informed that his services were terminated under the provisions of the agreement deed dated 31st January 1945 (Ex. 2). Shri Seth further deposed that the actual reason for his discharge was traceable to the fact that he was not on good terms with Shri Jha who was nourishing a grudge against him and the incident relating to the cheque of Rs. 23,000 occurred 2/3 months after and he was abused by the Manager. He also referred to the strike of the employees and admitted that when pressure was put upon him to substitute some other persons to carry on with the work he refused as he was an active member of the Union.

On the other hand the version given by Shri Jha put briefly is: That in May 1951 the question of encashing a cheque of Rs. 23,000 on Central Bank of India cropped up in daily routine and he instructed Shri Seth to ring up the Central Bank and ascertain the fate of that cheque. Shri Seth replied that the telephone was engaged and he could not contact. After a short while say 15 or 20 minutes, the Supervisor of the Current A/C Department asked Shri Jha as to what was to be done with the relative cheque which was to be paid against the encashment of the former cheque. He told the Supervisor to ask the Chief Cashier again to contact the Central Bank. Thereafter the Chief Cashier went to the telephone and again said that the telephone was still engaged. Thereupon he told Shri Seth that the Bank had to make payment against that cheque of Central Bank of India and as such Shri Seth should hurry up. Shri Seth left and took his seat but after two minutes turned up and told him that why he was abused, and created a row in the office. The witness admitted that he made a report to the higher authorities about the incident against the behaviour of Shri Seth. In this connection it was insisted by the Union side that the original report be brought on the record which was sent to the head office on the same day by the Manager Shri Jha. The same was not available on the first day of hearing and the Bank was called upon to produce the document in order to appreciate the earliest version given after the incident by Shri Jha. This report was produced and was exhibited on the record (Ex. E). It reveals that on 12th May 1951 it was Saturday and the cheque of Rs. 23,000 was sent to the Central Bank of India for being cashed at the special request of one of the valued constituents of the N Bank Messrs. Hind Sugar & Co. It was arranged to send the cheque at 10-30 A.M. and the Head Cashier was enquired at 11-15 about the fate of the cheque. This letter also speaks that as it was a busy day and the cheque was to be paid within the prescribed time the Supervisor came to the Manager and asked what to do. He was referred to the Head Cashier whereupon the Head Cashier grumbled and said that the 'phone was engaged and how long he could call'. The Manager thereupon told him that he should not sleep over the matter and to show earnestness. On hearing this he created a row in the office that he was abused and could not tolerate that. He was told that he was not abused but he said that he would see to it and sent a telegram and also sought the Union's shelter.....so on and so forth. The salient features of the incident as detailed above give a vivid picture and I do not think it is difficult to come to a conclusion on the appraisal of this evidence. Now Shri Seth did not say what words were used by Shri Jha which were treated by him as abusive. Shri Jha however has referred to the words spoken by him at that time and these read as follows in the statement of Shri Jha 'the matter was urgent and that he should hurry up.' In the report Ex. E he has further more said that he told him to show more earnestness and should not sleep over the matter. The question arises as to whether these words were actually so offending or vituperative as to upset the Chief Cashier more especially in the pressing circumstances when the Manager wanted to know about the cheque at the Central Bank of India as to enable him to pay the large amount of Rs. 23,000 at the counter in this Bank. To my mind, the word 'abuse' connotes some offensive epithet and I have not been able to persuade myself to treat these words viz. 'hurry up', 'show earnestness' and 'do not sleep over the matter' by an officer to one working under him in the interest of the Bank to be construed as abuse. No sentimentalism or sensitiveness has any role to play when work is urgently wanted. The attitude of the Manager rather impresses me without giving him the latitude of insulting anyone or under-estimating the dignity of his subordinates. In the circumstances, it seems clear to me that Shri Seth created a scene unnecessarily in the office when Shri Jha, asked him to be more earnest because the money was to be paid. There are occasions when in the interest of work one has to say something peremptorily and the same be

received in that spirit and this was the occasion which should not have been exploited to pick up a quarrel. At any rate I am satisfied that Shri Seth had no good reason to say that he was abused. He furthermore put himself in the wrong on another occasion when he did not allow Shri Dubey, who was sent by Shri Tandon from Lucknow to take up the work because there was a strike and the Cash Department was not functioning. The plea of Shri Seth that he could not confide in Shri Dubey does not appeal to me. Shri Dubey was sent under extraordinary circumstances from head office and he could go on with him and if anything had gone wrong the Head Cashier could say that he (Shri Dubey) was a head office man. The arrangement moreover was temporary. Furthermore, it is not in evidence what trade union activities Shri Seth was carrying on and it appears that he just sought the shelter of the Employees Union as stated by Shri Jha; and the grievance of bad labour practice on account of his alleged trade union activities has no substance. At any event he was working under an agreement and it is understandable that even if he had been arraigned for misconduct on the score of creating a scene in the office and found not guilty, the Bank had every right to terminate his services otherwise in terms of the agreement deed (Ex. 1). The Bank pleaded that if they did not set up regular enquiry to go into the matter that was rather to save him from the charge of misconduct. Be that as it may, my finding about the incident is that Shri Seth did not behave in creating a scene in the office when he was asked to show more earnestness in an important matter of encashment of cheque on Saturday when the time was short to meet the situation. Apart from this I am still of the view that the management has every right to terminate the services under agreement which was in no way controverted by Shri Seth in his deposition. The operative clause in the agreement deed reads as follows:

Ex. 2.

- "1. That the Cashier shall be and continue to be the cashier of the Cawnpore office of the Bank with effect from the 29th day of April one thousand nine hundred and forty four at a monthly salary of Rupees 160 (one hundred and sixty only) during the continuance of this agreement as remuneration for his service, and the service shall be determinable on either side by six Calendar months' notice to that effect subject as is hereinafter provided."

Further clauses relate to other matters and in no way detract from the right of the employer to terminate the services on payment of six months salary in lieu of notice in terms of the agreement deed (Ex. 1). For all these reasons I find that the Bank was justified to terminate the services of Shri L. S. Seth and the application fails. The same is dismissed. An award is made accordingly on this day the 7th March 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman,*
Central Government Industrial Tribunal.
Calcutta.

[No. J.R90(140).]

P. S. EASWARAN, *Under Secy.*

New Delhi, the 28th March 1953

S.R.O. 580.—In pursuance of section 10 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. SS.21(4), dated the 28th December, 1948, constituting the Medical Benefit Council, namely:—

In the said notification, for item No. (5) the following item shall be substituted, namely:—

- "(5) Dr. J. K. Sankla, M.B., D.T.M., A.M.S., Inspector General of Civil Hospitals, Assam, Shillong".

[No. SS.121(49).]

K. N. NAMBIAR, *Under Secy.*

